

Application No. 09/467,611
Amendment dated November 11, 2003
Reply to Office Action of October 3, 2003

REMARKS

Claims 1 and 11 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,295,461 to Palmer et al. (hereinafter, "Palmer"). By this amendment, claim 16 is amended without adding any new subject matter.

Claim 1 calls for a cellular transceiver that comprises a first digital decimation filter with N bands and a second digital decimation filter to reject N-1 bands. The second digital decimation filter is coupled to the first digital decimation filter for implementing a Global System for Mobile (GSM) communication mode. The GSM mode or standard is a popular mobile phone system devised for digital mobile phones, using time division multiple access (TDMA) technology.

The Palmer reference does not teach or suggest implementing the GSM communication mode in a cellular transceiver. Palmer simply teaches multi-mode radio frequency network system in which a computing device may be adapted for communication over both the narrowband frequency range and a wideband frequency range. There is no teaching or even a remote hint as to use of a GSM mode in the Palmer reference. Accordingly, the Palmer reference fails to render claim 1 obvious to one skilled in the pertinent art.

Palmer does not teach at all GSM mode, let alone as claimed in claim 1. There is no language as to suggestion or motivation for modifying the Palmer reference as suggested by the Examiner. A rejection simply based on design choice is improper. In this manner, a *prima facie* case of obviousness is not made out and the Examiner is respectfully requested to reconsider the § 103 rejection of claim 1.

Thus, claim 1 is now deemed to be allowable based on the remarks presented above for consideration. Accordingly, the Examiner is respectfully requested to allow claim 1 and the claims depending therefrom.

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Claims 1, 11, 16, 18, 19 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilson et al. (U.S. Patent No. 5,617,060, hereinafter, "Wilson"). Based on the reasons set forth above in connection with claim 1 rejection, both claims 1 and 11 are not rendered *prima facie* obvious. Furthermore, as amended, claim 16 now includes the limitation, "selectively using the first and second stages based on the type of the detected signal." This limitation is neither suggested nor taught by the Wilson reference. Therefore, independent claim 16 is not rendered obvious either.

Wilson merely teaches method and apparatus for automatic gain control and D.C. offset cancellation in quadrature receiver. There is no teaching whatsoever as to selectively using different stages depending upon the type of the signal of a particular mode that is detected or received in the Wilson reference. A specific hint or suggestion to modify the Wilson reference as suggested by the Examiner is missing in the Wilson reference itself. Therefore, teachings of Wilson fail to suggest or otherwise teach the claim limitations of claim 16 as a whole, thus failing to render obvious this claim.

Absent a *prima facie* case of obviousness, claim 16 as amended is now in condition for allowance, which is respectfully requested of the Examiner. Since dependent claims 18, 19, and 22 depend upon an allowable independent claim, they are also in condition for allowance.

Claims 2, 4 and 6 stand rejected under 35 U.S.C. § 103(a) over Palmer and further in view of U.S. Patent No. 6,480,477 to Treadaway et al. (hereinafter, "Treadaway"). Claims 2, 4, and 6 are also rejected over Wilson and further in view of Treadaway. Again, for the reasons set forth above as to the rejection of claim 1, the Applicant respectfully submits that dependent claims 2, 4, and 6 are not rendered obvious.

For the reasons that claim 2, 4 and 6 depend from allowable independent claim 1, the Applicant respectfully requests allowance of thereof. The Examiner is respectfully requested to consider all pending claims.

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In view of these amendments and remarks, the Application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,



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